

IN THE
SUPREME COURT OF THE STATE OF ARIZONA
BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
1501 W. WASHINGTON, SUITE 102, PHOENIX, AZ 85007-3231

IN THE MATTER OF A SUSPENDED
MEMBER OF THE STATE BAR OF ARIZONA,

JANE O. ROSS,
BAR NO. 021999

Respondent.

PDJ-2014-9017

**SECOND AMENDED
JUDGMENT OF DISBARMENT**

[State Bar Nos. 13-2030-13-2733]

FILED JULY 8, 2014

At the urging of the parties, the assigned settlement officer has requested the judgment in this matter be amended. It is amended as follows.

The Presiding Disciplinary Judge has considered the Respondent's Request and Consent to Disbarment dated May 23, 2014 and filed accordingly, which consent to disbarment was accepted by Order dated May 27, 2014.

IT IS HEREBY ORDERED Respondent **Jane O. Ross, Bar No. 021999**, is hereby disbarred pursuant to Rule 57(a)(5), Ariz. R. Sup. Ct., effective June 17, 2014, the date costs were approved, and her name is hereby stricken from the roll of lawyers. Ms. Ross is no longer entitled to the rights and privileges of a lawyer but remains subject to the jurisdiction of the Court.

IT IS FURTHER ORDERED, pursuant to Rule 72 Ariz. R. Sup. Ct., Ms. Ross shall immediately comply with the requirements relating to notification of clients and others.

IT IS FURTHER ORDERED Ms. Ross shall pay the costs and expenses of the State Bar of Arizona in the amount of \$1,350.68. There are no costs or expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings.

DATED this 8th day of July, 2014.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

Copies of the foregoing mailed/emailed
this 8th day of July 2014, to:

Hunter F. Perlmeter
State Bar of Arizona
4201 N. 24th Street, Suite 100
Phoenix, AZ 85016-6266
Email: lro@staff.azbar.org

Jane O. Ross
668 N. 44th Street, Suite 300
Phoenix, AZ 85008-6524
Respondent
Email: janeorossjdphd@gmail.com
jross@ncu.edu

Sandra Montoya
Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 100
Phoenix, Arizona 85016-6288

by: MSmith

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA
MAY 23 2014
FILED *[Signature]*
BY _____

BEFORE THE PRESIDING DISCIPLINARY JUDGE
OF THE SUPREME COURT OF ARIZONA

MAY 23 2014

FILED *[Signature]*

BY _____

No. PDJ—2014-9017

IN THE MATTER OF A MEMBER OF THE
STATE BAR OF ARIZONA,

JANE O. ROSS, #21999

Respondent.

MOTION/REQUEST FOR REMOVAL
FROM MEMBERSHIP AND/OR
REQUEST/CONSENT FOR
DISBARMENT

I, Jane Ross, hereby voluntarily request disbarment/the removal of my name from the roster of those permitted to practice before this court, and from the roster of the State Bar of Arizona. I acknowledge that charges have been made against me. The misconduct of which I was accused is described in the STATEMENT OF ALLEGATIONS IN SUPPORT OF REQUEST/CONSENT FOR DISBARMENT, a copy of which is attached hereto. I have read the charges and, having no desire to continue the practice of law, have no desire to defend the charges and instead surrender my license and request/consent to disbarment and to a return to the status of "non-member" of the State Bar of Arizona. I have been advised of and have had an opportunity to exercise my right to be represented in this matter by a lawyer. I am aware of the rules of the Supreme Court with respect to discipline, disability, resignation and reinstatement, and I acknowledge that any future application by me for admission or reinstatement to the State Bar of Arizona will be treated as an application by a member who has been disbarred.

Dated: 5-23-2014

Signed: *[Signature]*
Jane Ross

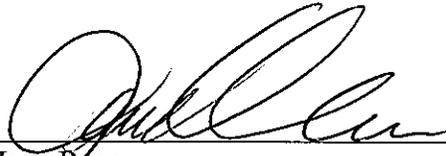
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VERIFICATION FOLLOWS ON NEXT PAGE

1 STATE OF ARIZONA)
) ss.
2 County of Maricopa)

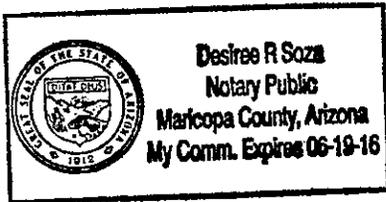
3
4 Jane Ross, being first duly sworn, upon his/her oath deposes and states that she is the
5 Respondent in this matter, that she has read the foregoing and that the things stated therein are
6 true to the best of her knowledge and she believes them to be true.

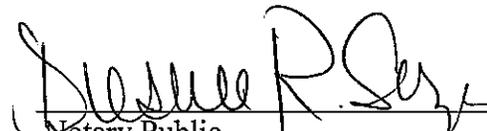
7 DATED this 23 day of May, 2014.


Jane Ross

9
10 SUBSCRIBED, SWORN TO, and ACKNOWLEDGED before me this 23 day of May,
11 2014 by Jane Ross.

12 My Commission Expires: 06-19-2016




Notary Public

16 Original Filed with:
17 Clerk of the Disciplinary Court

18 Copy electronically delivered to:
19 Nanette Warner
20 Settlement Judge
nwarner@karpweiss.com

21 Hunter Perlmeter
22 Bar Counsel
hunter.perlmeter@staff.azbar.org

23 /
24 //
25 ///
26 ///
27 ///
28 ///

1 **Hunter F. Perlmeter, Bar No. 024755**
2 **Staff Bar Counsel**
3 **State Bar of Arizona**
4 **4201 N. 24th Street, Suite 100**
5 **Phoenix, Arizona 85016-6266**
6 **Telephone 602-340-7278**
7 **Email: LRO@staff.azbar.org**

8 **Jane Ross SBN 021999**
9 **Respondent**
10 **JRoss@asu.edu**

11 **BEFORE THE PRESIDING DISCIPLINARY JUDGE**
12 **OF THE SUPREME COURT OF ARIZONA**

13 **IN THE MATTER OF A SUSPENDED**
14 **MEMBER OF THE STATE BAR OF**
15 **ARIZONA,**

PDJ 2014-9017

16 **Jane O. Ross,**
17 **Bar No. 021999,**
18
19 Respondent.

STATEMENT OF ALLEGATIONS IN
SUPPORT OF REQUEST/CONSENT
FOR DISBARMENT

State Bar Nos. 13-2030 and 13-2733

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21
22
23
24 In submitting this document, Respondent is not admitting any of the allegations. Pursuant to the
25 Mandatory Settlement Conference held in this matter, the State Bar participated in drafting this
26 document and does not object to its submission in lieu of a complaint, as it contains allegations
27 sufficient to support disbarment if they were admitted.
28

1 **GENERAL ALLEGATIONS**

- 2 1. Respondent was first admitted to practice law in Arizona on May 23, 2003.
3
4 2. On February 27, 2013, Respondent began serving a four year disciplinary suspension
5 from the practice of law.

6 **COUNT ONE (File no. 13-2030/Peirce Linsmeier)**

- 7 3. On August 9, 2013, Respondent left a voicemail for counsel for Plaintiff in South
8 Mountain Justice Court CC 2010-546959. In the voicemail, Respondent indicated that
9 she was representing the defendant as her attorney in fact.
10
11 4. Plaintiff's counsel wrote a letter to Respondent on August 9, 2013, indicating that she
12 was aware of Respondent's suspension and that she would not have contact with
13 Respondent concerning the case.
14
15 5. On August 19, 2013, Respondent signed a Notice of Disclosure to Opposing Party
16 avowing that she had mailed or otherwise provided a copy of a Disclosure Statement to
17 opposing counsel. Respondent signed the document "Jane Ross POA for [name of
18 defendant]."
19
20 6. On August 22, 2013, Respondent was present in the South Mountain Justice Court at the
21 time of a pretrial conference in the case and was asked to explain to the court her
22 presence. Justice of the Peace, Steven McMurray, as the Presider of Maricopa County
23 Justice Courts, was asked to speak with Respondent in open court.
24
25 7. Respondent indicated to the court that she was present to negotiate the settlement on
26 behalf of the defendant under a power of attorney.
27
28 8. The Court pointed out that it was aware that Respondent had been suspended from the
practice of law and said, "that's acting as an attorney, stop it."

1 9. When Respondent continued speaking, the court stated, "You're using a power of
2 attorney; that is appearing for a client."

3 10. Respondent replied, "I beg to differ, your honor."
4

5 11. When Respondent continued to try to explain to the bench her presence, the Court
6 indicated that he would have Respondent escorted out.

7 12. Respondent responded, "I'm sure you will" and then left the courtroom.

8 13. The court told the clerk to mark the defendant as failing to appear. The court forwarded a
9 letter of complaint and a video of the hearing to the Bar.

10 **Rule Violations**

11 14. ER 5.5 prohibits a lawyer from practicing law in a jurisdiction in violation of the
12 regulation of the legal profession in that jurisdiction. Respondent engaged in the practice
13 of law in South Mountain Justice Court CC 2010-546959 while suspended.
14

15 **COUNT TWO (File no. 13-2733/Rosales)**

16 15. On May 31, 2012, Complainant Ricky Rosales retained Respondent to create estate
17 planning documents.
18

19 16. Mr. Rosales provided a check for \$1,250 and entered into an agreement that an
20 additional \$1,250 would be provided when the documents were finalized. Respondent
21 provided Mr. Rosales with a packet of documents to complete and Mr. Rosales provided
22 to Respondent preliminary contact information.

23 17. Many months thereafter, Mr. Rosales scanned and attempted to email the documents to
24 Respondent. The email was returned as undeliverable. Additionally, when he called
25 Respondent's office, he discovered that the number had been disconnected.
26
27
28

1 18. After performing internet research, Mr. Rosales discovered that Respondent had been
2 suspended. Respondent did not send a certified letter notifying Mr. Rosales of her
3 suspension.

4 19. On October 15, 2013, Mr. Rosales filed a Bar complaint requesting the refund of his
5 deposit of \$1,250.
6

7 20. Thereafter, Respondent issued a refund to Mr. Rosales.

8 **Rule Violations**

9 21. Rule 72 requires a lawyer, within ten (10) days after the date of an order of suspension, to
10 notify, by certified mail, all clients being represented in pending matters. Respondent
11 failed to inform her client of her suspension.
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IN THE
SUPREME COURT OF THE STATE OF ARIZONA
BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE
1501 W. WASHINGTON, SUITE 102, PHOENIX, AZ 85007-3231

IN THE MATTER OF A SUSPENDED MEMBER
OF THE STATE BAR OF ARIZONA,

JANE O. ROSS,
Bar No. 021999

Respondent.

No. PDJ-2014-9017

**ORDER ACCEPTING CONSENT TO
DISBARMENT**

[State Bar Nos. 13-2030-13-2733]

FILED: May 27, 2014

The Presiding Disciplinary Judge (PDJ) held a final case management conference in this matter on May 27, 2014. Hunter F. Perlmeier, Staff Bar Counsel, appeared on behalf of the State Bar of Arizona. Jane O. Ross appeared *pro per*. The complaint was filed on February 19, 2014. The answer was filed on March 14, 2014. The firm hearing is scheduled for June 23, 2014, June 24, 2014, June 30, 2014, and July 1, 2014. In addition to the PDJ, the assigned hearing panel members are Robert D. Myers (Retired Judge), Attorney Member and Michael Snitz, Public Member.

On May 23, 2014, Ms. Ross filed a verified Motion/Request for Removal from Membership and/or Request/Consent for Disbarment. Mr. Perlmeier acknowledged that while he had not seen the motion/request prior to its filing that it comported with the agreement of the parties.

Supreme Court Rule 32(c)(11) precludes a resignation unless a member is in good standing. Therefore the PDJ proceeded by discussing with the parties the consent for disbarment. The discussion that followed primarily regarded three requirements of Supreme Court Rule 57(a)(5) that were absent from the consent. One requirement is the disclosure of the residence of Ms. Ross. Ms. Ross agreed that her oral disclosure of her address during this hearing could form the basis of compliance with the rule by it being incorporated during the hearing, by oral reference, into her consent for disbarment. Ms. Ross stated on the record her residential address and by stipulation of the parties, it is incorporated into her consent to disbarment. Ms. Ross requested her residence be sealed from the public. The State Bar stated no objection to her residence being sealed from the public and her residence is sealed.

A second requirement is a statement by Ms. Ross; "I consent to disbarment freely and voluntarily and not under coercion or intimidation." Ms. Ross apologized for her omission and stated her intent was to include that statement. Ms. Ross agreed that her oral inclusion of the sentence, "I consent to disbarment freely and voluntarily and not under coercion or intimidation" during this hearing could form the basis of compliance with the rule by it being incorporated, during the hearing, by oral reference into her consent for disbarment. Ms. Ross adopted the sentence, "I consent to disbarment freely and voluntarily and not under coercion or intimidation," and by stipulation of the parties, it is incorporated into her consent to disbarment.

A third requirement is the incorporation of either the "(charges)" or the "formal complaint" by reference and attachment. The parties stipulated that the charges that have been attached are sufficient for disbarment. Both parties waived

any requirement of the attachment of the formal complaint. Ms. Ross agreed the attachment is in compliance with the rule, that it states sufficient grounds for disbarment and by stipulation of the parties; it is incorporated into her consent to disbarment.

The PDJ finds by the totality of the circumstances, that Ms. Ross knowingly, intelligently and voluntarily and, not under coercion or intimidation, consented to disbarment and waived her rights to a formal hearing. By stipulation of the parties, the oral statements of Ms Ross were incorporated into her consent to disbarment. Those statements included her residential address, her statement of consent to disbarment freely and voluntarily and not under coercion or intimidation and the parties waiver of the formal attachment of the complaint. Ms. Ross instead attached a statement of charges which the parties stipulate factually forms the basis for the consent for disbarment.

Now Therefore,

IT IS ORDERED, accepting the Consent to Disbarment. Pursuant to Supreme Court Rule 57(a)(5)(B), a formal judgment disbaring **Jane O. Ross, Bar No. 021999**, shall be promptly entered striking her name from the roll of lawyers. Jane O. Ross shall no longer be entitled to the rights and privileges of a lawyer, but will remain subject to the jurisdiction of the court. Ms. Ross shall immediately comply with the requirements relating to notification of clients and others.

DATED this 27th day of May, 2014.

William J. O'Neil

William J. O'Neil, Presiding Disciplinary Judge

ORIGINAL filed with the Disciplinary Clerk,
Office of the Presiding Disciplinary Judge
this 27th day of May, 2014:

COPY of the foregoing e-mailed/mailed
this 28th day of May, 2014, to:

Hunter F. Perlmeter
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FILED UNDER SEAL
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By: [LHopkins](#)